SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 10 April 2019

(Author: David Gedney - Senior Planning Officer)

Purpose: To consider Planning Application H20-0138-19

Application Number:	H20-0138-19	**Date Received:**	06 February 2019
Application Type:	FULL		
Description:	Residential development - Erection of 4 dwellings		
Location:	Off Chapel Gate Sutton St James Spalding		
Applicant:	Mr & Mrs P Stubley	**Agent:**	G R Merchant Ltd
Ward:	The Saints	**Ward Councillors:**	Cllr M D Seymour

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H20-0138-19

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The applicants are related to a SHDC employee.

2.0 PROPOSAL

2.1 Full planning permission was granted for the erection of 4 dwellings consisting of 2 three-bed bungalows and 2 four-bed houses in December 2018 (reference: H20-1052-18). Permission is now sought to vary the scheme. Essentially, Plot 3 has been deepened slightly and the bungalow positioned further back. The northern section of the private drive has also been re-aligned.

3.0 SITE DESCRIPTION

3.1 The site (approximately 0.35ha) is a farm yard associated with 132 Chapelgate (house). It is currently occupied by a number of agricultural buildings, including a former farm shop. A number of trees are situated within the frontage.

3.2 A bungalow is situated to the south-east fronting Chapel Gate and an agricultural packing and distribution business (Cor Du Marketing Ltd) to the east. A house is located to the west (136 Chapelgate) and agricultural land to the north.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan (2019)

Policy 1 - Spatial Strategy;
Policy 2 - Development Management;
Policy 3 - Design of New Development;
Policy 4 - Approach to Flood Risk;
Policy 10 - Meeting Assessed Housing Requirements;
Policy 11 - Distribution of New Housing;
Policy 17 - Providing a Mix of Housing;
Policy 28 - The Natural Environment.

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Guidance

National Planning Policy Framework (NPPF), February 2019

Section 2 - Achieving Sustainable development;
Section 3 - Plan Making;
Section 4 - Decision Making;
Section 5 - Delivering a Sufficient Supply of Homes;
Section 11 - Making Effective Use of Land;
Section 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change.

Planning Practice Guidance (PPG), 2014

5.0 RELEVANT PLANNING HISTORY

5.1 H20-0095-02 - Change of use of garage/shed to farm shop - Granted.

H20-0904-10 - Proposed machinery storage shed - Approved.

H20-1148-17 - Outline - Residential development (3 plots) - Granted 26 February 2018.

H20-1052-18 - Full - Residential development (4 dwellings) - Granted 20 December 2018.

6.0 REPRESENTATIONS

6.1 Parish Council

No observations.

6.2 Highways/SUDS

In accordance with Manual for Streets emergency vehicles should be able to access within 45m of every dwelling, therefore, sufficient turning should be provided within the private driveway for emergency vehicles.

6.3 SHDC Environmental Protection

Previously requested a note relating to contamination.

6.4 LCC Archaeology

Recommend that the developer should be required to commission a Scheme of Archaeological Works

6.5 Public

No comments received.

7.0 MATERIAL CONSIDERATIONS

7.1 The main issues in this case are:

- Whether the development is sustainable having regard to economic, social and environmental factors;
- Character/appearance;
- The likely impact upon the amenity of nearby residents;
- Highway issues;
- Other material considerations such as flooding, drainage, contamination and archaeology.

7.2 Housing Policy/Sustainability

7.3 As indicated in Paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

7.4 The majority of the site, other than the rear section of Plot 3, is inside Sutton St James Settlement Limit as defined in the South East Lincolnshire Local Plan (2019). Policy 1 (Spatial Strategy) indicates that within Minor Service Centres, including Sutton St James, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to allocated and committed sites and infill.

7.5 The proposal is considered to be consistent with the above because the site already has an extant permission for 4 dwellings (reference: H20-1052-18) and the development is considered to be sustainable.

7.6 Character/Appearance

7.7 The site is within the existing farm yard and already contains a number of buildings of brick, metal and asbestos construction. There is other depth development within the vicinity, including commercial buildings to the east and others further to the west. The dwelling at the rear would not be readily open to view. The frontage house is on a staggered building line between 132 Chapelgate and 136 Chapelgate. It is noted that part of Plot 3 extends beyond the settlement limit. Notwithstanding this fact, however, it is considered that the proposed development would not materially harm the character or appearance of this part of the village.

7.8 Some of the existing trees along the frontage would be removed to accommodate the development. However, they are not considered to be worthy of preservation.

7.9 Residential Amenity

7.10 Proposed vehicular access to the site is between 132 Chapelgate, which is currently within the applicants' control, and 136 Chapelgate. The proposed house along the frontage (Plot 1) has 2 bedroom and 1 bathroom window on its rear elevation at first floor level and ensuite windows on its side (western) elevation. The dwelling on Plot 2 is a bungalow. A 1.8 metre high fencing is proposed along the western boundary. It is considered that the scheme would not materially harm the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc.

7.11 Commercial premises are situated to the east, currently occupied by Cor Du Marketing Ltd, who grow, pack and distribute flowers and bulbs. Given this fact, a 1.8 metre high close boarded fencing is recommended along the eastern boundary to protect the amenity of future occupiers.

7.12 Highway Issues

7.13 The development would be served by a private drive. It is not significantly different from the scheme previously approved (reference:. H20-1052-18), other than a minor re-alignment at the northern end. A refuse collection point has been provided at the site's entrance.

7.14 Other Matters

7.15 Flood Risk - The site lies within Flood Zone 3 defined by the Environment Agency Flood Map. The latter have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is, therefore, necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

7.16 The hazard mapping within the SFRA shows the site to be unaffected if a breach of the flood defence were to occur. The site is, therefore, sequentially preferable. In terms of the exceptions test, finished floor levels would be set at 2.70m aOD.

7.17 Drainage - Foul water would be disposed of via the mains drain. Surface water would be collected by means of crate soakaways.

7.18 Contamination - The Geo-Environmental Desk Study Report accompanying the application indicates that there are no readily identifiable sources of contamination. Consequently, the need for a Phase 2 intrusive investigation is considered unwarranted.

7.19 Archaeology - The proposed development is located within the former extent of the medieval settlement of Sutton St James. The site is directly opposite the Grade II Listed St Ives Cross, which is also a Scheduled Monument and thought to indicate the centre of the former market, which was granted to Lord of the Manor by Henry III in 1252.

7.20 LCC Archaeology has indicated that whilst modern agricultural buildings on the site may have had some ground disturbance, such structures are usually relatively low impact. The groundworks for the proposed houses and associated services are also likely to disturb undeveloped areas so there is the possibility that surviving archaeological remains associated with the medieval market will be destroyed.

7.21 A Scheme of Archaeological Works is therefore recommended, which can be secured by means of conditions.

7.22 Conclusion

7.23 The site is considered to be suitable for the proposed housing scheme with particular regards to policies within the South East Lincolnshire Local Plan (2019). The proposal would not materially harm the rural character of the area. Moreover, the development would not have a material effect upon the amenity of nearby residents, subject to boundary screening. The County Highways Authority has not objected on highway safety grounds. Flood risk, drainage and archaeology can be addressed by means of conditions.

8.0 RECOMMENDATIONS

8.1 **Grant Permission subject to those conditions listed in Section 9 of this report.**

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

   Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
2962-16-20H;
2962-16-21H;
2962-16-22A;
2962-16-23;
2962-16-24
2962-16-25;
Flood Risk Assessment by Geoff Beel Consultancy (ref. GCB/Merchant) dated November 2017;
Geo-Environmental Desk Study by Goldfinch Environmental Ltd (Report ref. 0526/1) dated April 2018;
Specification for Archaeological Monitoring prepared by Neville Hall dated January 2019.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The scheme of landscaping and tree planting shown on dwg. no. 2962-16-21H shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

4. The approved scheme of boundary screening shown on dwg. no. 2962-16-21H shall be implemented in full before the development is first brought into use and shall thereafter be retained.

Reason: In the interests of the character and appearance of the development and the amenities of the locality.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

5. The refuse storage area at the site's entrance shall be installed in accordance with details shown on dwg. no. 2962-16-21H before any dwelling is occupied and shall thereafter be retained.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

6. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment forming part of this planning application. In particular the following measures shall be fully implemented before the property is first occupied:
- Finished floor levels shall be set 300mm above existing ground level or in accordance with details shown on dwg. no. 2962-16-21H accompanying the application;
- Flood resilient construction shall be incorporated within the development up to 300mm above finished floor level.

Note: Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Reason: To reduce the risk of flooding to the proposed development and future occupants.
This Condition is imposed in accordance with national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

7. The approved means of surface water drainage shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019. and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

8. Foul water from the development hereby permitted shall be disposed of via a mains drain.

Reason: To ensure that the site is adequately drained and to avoid pollution.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

9. The private drive shall be fully completed in accordance with the approved details prior to occupancy of the final dwelling.

Reason: To ensure a satisfactory development in the interest of the amenity of future occupants and also highway safety.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

10. The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence work at least fourteen days before the start of archaeological work required in accordance with the approved archaeological specification in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

11. A copy of the final archaeological report required in connection with Condition 10 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

12. Note 1 - The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

13. Note 2 - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to Environmental Health. An investigation and risk assessment must be undertaken in accordance with details to be agreed with Environmental Health. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by Environmental Health. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in by Environmental Health.

14. Note 3 - The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

15. Note 4 - The permitted development requires the formation of a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For further information, please telephone 01522 782070 or e mail developmentmanagement@lincolnshire.gov.uk.

16. Note 5 - Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report: Appendix A


Japonica Farm
Road
Road